

Amendment Dated 07/12/05
Response to Office Action Dated 4/12/05

Application No 09/868,686
Attorney Ecket No. 04 5222.00157

REMARKS

Claims 1-30 are pending. Claims 1-30 are rejected.

Applicants acknowledge withdrawal of the rejections of claims 10-13 under 35 U.S.C. § 101, the rejections of claims 1-18 under 35 U.S.C. § 112, and the rejections of claims 1-18 under 35 U.S.C. § 102(e) regarding anticipation by U.S. Patent No. 5,727,950 (Cocx).

Other Amendments

Applicants have amended claims 1, 3-6, and 19-24 to add sequential labels to the corresponding elements of the claims.

Claims Rejections – 35 U.S.C. §101

Claims 1-9 and 19-24 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The rejection is based on (Page 2, section 1.):

a two prong test of:

- (1) whether the invention is within the technical arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

The Office Action admits that (Page 3, section 1. Emphasis added.):

In the present case, the claims produce a **useful, concrete and tangible result**. The final result of the method is providing feedback. The feature is useful in that the feedback can be used to continue the learning process, concrete in that it can be reproduced (i.e. the method always results in this step) and tangible in that feedback is a real item.

The Office Action alleges (Page 2, section 1. Emphasis added.):

In the present case, claims 1-9 and 19-24 recite an abstract idea. The recited steps of merely presenting information, determining a **personality, integrating information, and monitoring progress and providing feedback so as to advance a student towards reaching a goal** does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

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However, claim 1 does not recite an abstract idea. For example, claim 1 recites a "personality profile of the student," "integrating information in the presentation," and "monitoring progress toward the training goal and providing feedback that further motivates accomplishment of the training goal tailored to the personality profile of the student." The above-mentioned features are directed to a concrete idea. Moreover, Applicants have amended claim 1 to recite a "computer-readable medium having computer-executable instructions" which is clearly within the technological arts. Also, claims 2-9 and 19-24 ultimately depend from claim 1 and recite statutory subject matter for at least the above reasons. Thus, Applicants request reconsideration of the rejection of claims 1-9 and 19-24.

Claims Rejections – 35 U.S.C. §102

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication No. WO 97/44766 (the '766 publication).

Regarding claims 1 and 10, the Office Action alleges that (Page 3-4, section 2.):

The '766 publication teaches a method and system for the presentation of educational content including the steps of and logic for: presenting a pre-test that includes at least one question regarding a personality profile (student model data) of a student before generating the presentation; determining the personality profile of the student from at least one answer in response to the at least one question; configuring the presentation based on the personality profile of the student before generating the presentation (page 105; 6-35, where initialization is discussed); integrating information in the presentation that motivates accomplishment of a training goal tailored to the personality profile of the student (page 100; 1-20); monitoring the progress toward the training goal and providing feedback that further motivates accomplishment of the training goal tailored to the personality profile of the student (page 100; 24-30).

However, regarding claim 1, Applicants have amended the claim to include the features of "evaluating work of the student by training concepts, the training concepts being organized in a hierarchy," "selecting pieces of feedback based on the hierarchy and usage history," "assembling the pieces of feedback," and "delivering assembled feedback to the student." The amendment is supported by the specification as originally filed (e.g., page 20, lines 4-34). The '766 publication fails to teach or even suggests the above features.

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Similarly, claim 10 includes the features of "logic that evaluates work of the student by training concepts, the training concepts being organized in a hierarchy," "logic that selects pieces of feedback based on the hierarchy and usage history," "logic that assembles the pieces of feedback," and "logic that delivers assembled feedback to the student." Claims 2-9 and 19-24 ultimately depend from claim 1, and claims 11-18 and 25-30 ultimately depend from claim 10. Thus, Applicant's request reconsideration of claims 1-30.

It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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